

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VICKI SCHAFFER on behalf of herself and all
others similarly situated,

Plaintiff,

v.

HEWLETT-PACKARD COMPANY,

Defendant.

Case No. 04-71391

Honorable John Corbett O'Meara

ORDER DENYING MOTIONS TO DISPUTE REJECTION OF CLAIM

This matter came before the court on eight motions to dispute rejection of claim. Defendant Hewlett-Packard Company ("HP") filed a response January 12, 2007. Oral argument was heard January 18, 2007, during which time the parties advised the court that Richard Nelson's May 24, 2006 motion had been resolved.

The May 22, 2006 motion of Felix Disla, the May 24, 2006 motion of Joyce Townsend, the May 26, 2006 motion of Marcia Collins, and the May 30, 2006 motion of Gary Kessler all seek reimbursement for replacement computers. The settlement agreement, however, specifically excludes the cost of a new computer; therefore, the court must deny those motions.

In his May 22, 2006 motion, Philip Sidkoff concedes that his computer's recurring "hanging, freezing and locking problems appear not to have been caused by the defective motherboard at issue in this lawsuit." The court has no authority to order reimbursement for problems that are not at issue in this lawsuit.

Herb Ostach filed a motion to dispute rejection of his claim May 30, 2006. Ostach, however, failed to submit his claim form in a timely fashion. The settlement agreement does not provide a remedy for untimely claims; therefore, the court must deny his motion.

Finally, Hennessey Hunt's July 11, 2006 motion must be denied because Hunt failed to provide proof that he purchased an HP computer.

ORDER

It is hereby **ORDERED** that the May 24, 2006 motion of Richard Nelson is **DENIED AS MOOT**.

It is further **ORDERED** that the remaining motions to dispute rejection of claim are **DENIED**.

s/John Corbett O'Meara
United States District Judge

Dated: January 22, 2007

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, January 22, 2007, by electronic or ordinary mail.

s/William Barkholz
Case Manager